

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

VANESSA RAMIREZ-POULIOT,

Plaintiff,

v.

CASE NO. SA-23-CV-01266-JKP

**WELLS FARGO BANK, N.A., C/O
WELLS FARGO BANK, N.A.; AND
UNIVERSITY LENDING GROUP,
LLC,**

Defendants.

ORDER

Before the Court is the status of this case. On October 13, 2023, this Court referred this case to Magistrate Judge Chestney for disposition of all non-dispositive pretrial matters. *ECF No. 4*. On November 16, 2023, this Court issued an Order following review of Defendant Wells Fargo’s Motion to Dismiss for Failure to State a Claim. *ECF No. 7*. In this Order, this Court determined the Motion to Dismiss and the Original Petition filed in state court revealed ambiguous and incomplete facts concerning the origin of this suit. *Id.* In addition, Wells Fargo offered only conclusory allegations regarding its entitlement to payment and Plaintiff Vanessa Ramirez-Pouliot’s default. For this reason, Wells Fargo did not satisfy its burden for dismissal under Federal Rule 12(b)(6). *Id.* This Court also determined the documents presented an ambiguous possibility that Ramirez-Pouliot paid off the subject Promissory Note based upon an attached illegible document that appeared to be a “Satisfaction of Mortgage” on the subject property. *ECF No. 1-1, p. 35*. The document appeared to be a copy of an original that was

blurred in the copying or uploading process. *Id.* On its face, this document appeared to refute Wells Fargo's conclusory statement that Ramirez-Pouliot is in default.

For these reasons, this Court suspended ruling on the Motion to Dismiss until Magistrate Judge Chestney's completion of an Initial Pretrial Conference scheduled for December 13, 2023. *ECF No. 7.* This Court concluded this IPC conference was an appropriate time to clarify these ambiguities. This Court admonished Ramirez-Pouliot that she must appear at the IPC, and her "failure to appear will result in dismissal." In the same order, this Court ordered Ramirez-Pouliot to present a clear and legible version of the "Satisfaction of Mortgage." *Id.*

On December 13, 2023, Magistrate Judge Chestney held the IPC and issued an advisory to this Court. *ECF No. 11.* Counsel for Wells Fargo Bank appeared; however, Ramirez-Pouliot did not, nor did she provide a legible copy of the alleged "Satisfaction of Mortgage." Wells Fargo informed Magistrate Judge Chestney that Ramirez-Pouliot did not confer to prepare a Federal Rule 26(f) Report and Proposed Scheduling Order. Ramirez-Pouliot's failure to appear at the IPC, failure to provide a legible copy of the "Satisfaction of Mortgage" and failure to confer with Wells Fargo violate This Court's Order and Magistrate Judge Chestney's Order setting the IPC. *ECF Nos. 5,7.*

A district court may *sua sponte* dismiss an action for failure to prosecute or to comply with any order. Fed. R. Civ. P. 41; *McCullough v. Lynaugh*, 835 F.2d 1126, 1127 (5th Cir. 1988). Ramirez-Pouliot's disregard of multiple court orders following admonishment of the consequences justifies dismissal of this case for failure to prosecute. *See id.* Accordingly, this case is **DISMISSED without prejudice.**

All pending motions are **DENIED AS MOOT. The Clerk of Court is DIRECTED to close this case.**

It is so ORDERED.

SIGNED this 15th day of December, 2023.



JASON PULLIAM
UNITED STATES DISTRICT JUDGE